

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT

APRIL 17, 2008

Commission Members Present: Steve Doherty, Chairman; Shane Colton, Vice-Chair; Dan Vermillion; Willie Doll; Vic Workman.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director, and FWP Staff.

Guests: See April 17, 2008 Commission file folder for those who signed in.

Topics of Discussion:

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Commission Meeting Minutes of March 13, 2008**
3. **Approval of Commission Meeting Minutes of March 27, 2008 Conference Call**
4. **Approval of Commission Expenses through March, 2008**
5. **North Shore State Park / WMA Joint Project – Endorsement**
6. **Clarks Fork of the Yellowstone FAS Acquisition (Meinhardt) - R5 – Endorsement**
7. **Harlowton FAS Cooperative Agreement (Musselshell River) – Final**
8. **Swan Lake No-Wake Zone Administrative Rule – Final**
9. **Echo Lake No-Wake Zone Administrative Rule – Final**
10. **2008 Mountain Lion Permit and Harvest Quotas - Tentative**
11. **2009 Moose, Sheep, Goat, Mule Deer & Elk License Auction/Lottery Rules–Tentative**
12. **2008 Grazing & Sharecrop Leases on Wildlife Management Areas – Final**
 - ✓ *Aunt Molly WMA Grazing Lease*
 - ✓ *Wall Creek WMA Grazing Lease*
 - ✓ *Haymaker WMA Grazing Lease*
 - ✓ *Blackfoot-Clearwater WMA Grazing Lease*
 - ✓ *Beartooth WMA / Voegelé's Inc Grazing Lease*
 - ✓ *Isaac Homestead WMA Agricultural Lease*
13. **Habitat Projects – Endorsements**
 - ✓ *Circle R River Ranch Acquisition*
 - ✓ *Granger Ranch Wetland Easement*
 - ✓ *Neal Ranch Acquisition - Sun River WMA*
 - ✓ *Dugas Farms Conservation Easement*
 - ✓ *Riverdale Ranch Conservation Easement*
 - ✓ *North Cree Crossing Ranch Fee Title Purchase*
 - ✓ *South Cree Crossing Ranch Fee Title Purchase*
 - ✓ *Christensen Ranch Cons. Easement*
 - ✓ *Burkhartsmayer Ranch Cons. Easement*
 - ✓ *Jamison Habitat Acquisition*
 - ✓ *Vanisko Ranch Conservation Easement*
 - ✓ *Nevada Lake Habitat Acquisition*
 - ✓ *Little Doney Lake Habitat Acquisition*
14. **White-tailed Prairie Dog Translocation – Informational**
15. **Livestock Loss Reduction and Mitigation Board Nomination Recommendations to Governor - Final**
16. **Extend Time for City of Helena to Remove Urban Deer - Final**
17. **Wolf Management Update and Endorsement of Depredation Guidelines**
18. **Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. Opening - Pledge of Allegiance. Chairman Doherty called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. Approval of March 13, 2008 Commission Meeting Minutes.

3. Approval of March 27, 2008 Commission Meeting Minutes.

Action: Workman moved and Vermillion seconded the motion to approve the March 13, 2008 and the March 27, 2008 meeting minutes. Motion carried

4. Approval of March, 2008 Commission Expense Report.

Action: Workman moved and Colton seconded the motion to approve the March expense report as presented. Motion carried.

5. North Shore State Park / WMA Joint Project – Endorsement. Joe Maurier, FWP Parks Division Administrator, stated that it is difficult to find small parcels of land for fishing access site development. Most land on the market consists of large acreages that provide great wildlife values. To take advantage of this situation, the Parks Division and the Wildlife Division are working jointly to access more sources of money, such as Habitat Montana and Upland Gamebird funds, which then allows Access Montana funds to stretch further.

This proposal is to pursue the acquisition of 500 acres in fee title along the north shore of Flathead Lake to develop a joint wildlife management area and state park complete with camping facilities and a visitor's center.

Development of a large subdivision has already been proposed for construction on half of this property. FWP is not in opposition of the subdivision, but wants to work cooperatively with the developers. The landowners are supporting this easement to help protect and buffer the Flathead Lake Waterfowl Production Area from the development area.

Action: Workman moved and Vermillion seconded the motion to endorse the recommendation by Fish, Wildlife & Parks to pursue a joint state park / wildlife management area in a contiguous block along the North Shore of Flathead Lake Waterfowl Production Area. Motion carried.

6. Clarks Fork of the Yellowstone FAS Acquisition (Meinhardt) - R5 – Endorsement. Joe Maurier, FWP Parks Division Administrator, explained that this proposed 172-acre acquisition is located on the Yellowstone River just south of Bridger. This site is located between the Bridger FAS (four river miles downstream) and the Bridger Bend FAS (12 river miles upstream). It consists of farmland and riparian habitat, and includes a mile of river shoreline that would provide angler opportunity. The western edge of the property abuts 40-acres of BLM land, and the southern edge includes a large riparian area close to an island owned by BLM. This property provides excellent habitat and wetlands for deer, turkeys, pheasants and waterfowl, and would also provide a good boat launch site and camping opportunities. The Parks Division anticipates partnering with the Wildlife Division on this proposal.

Action: Colton moved and Vermillion seconded the motion to authorize the department to pursue acquisition of this parcel of land for use as a fishing access site along the Clarks Fork of the Yellowstone River near Bridger in Carbon County. Motion carried.

7. Harlowton FAS Cooperative Agreement (Musselshell River) – Final. Joe Maurier, FWP Parks Division Administrator, explained that establishment of this fishing access site on the Musselshell River is a cooperative effort between the City of Harlowton and FWP. There is only one other public fishing access site that is located 32 miles upstream from this location.

The City and FWP developed a 25-year lease agreement for use of the site as an FAS. There is no cost to FWP for the land acquisition, however FWP will design and construct a parking area, an access road, and a vault latrine. The City of Harlowton has plans to develop a “Rails to Trails” corridor along the old railroad right-of-way, and the proposed FAS would eventually become an extension of that trail system. It has not been stipulated as to whether or not the lease agreement will be renewed after the initial twenty-five year agreement has expired.

Action Doll moved and Workman seconded the motion to authorize the Department to enter into a lease agreement for the purpose of implementing the 25-year Harlowton FAS Cooperative Agreement between the City of Harlowton and Montana Fish, Wildlife and Parks. Motion carried.

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Director Hagener stated that the Department received notice from the attorney of the Charlie Lincoln estate informing FWP that they are preparing to solicit bids on the land. FWP informed the attorney that the Department is very interested in purchasing the property. Because FWP retains the right of refusal, the Department will have to wait for the high bid to be established, and then, through Commission action, decide if that price is justifiable for FWP purchase.

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8. Swan Lake No-Wake Zone Administrative Rule – Final. Jim Kropp, FWP Enforcement Division Administrator, explained that a petition was submitted to FWP requesting a no-wake zone for the one-mile section of Swan Lake within one mile of its northern outlet. The Commission denied the petition as it was proposed, but ruled on a compromise to extend the no-wake zone to the southern tip of the southern most island approximately $\frac{3}{4}$ mile from the outlet of Swan Lake.

Becky Jakes Dockter, FWP Legal Council, explained that the administrative rule notice was filed with the Secretary of State, after which public comments were accepted. Nine oral comments and twenty-six written comments were received in support of the proposal – one comment in opposition.

Action: Workman moved and Colton seconded the motion to approve the proposed rule to adopt a No-Wake zone from the outlet of Swan Lake extending south to the southern tip of the southern most Island approximately $\frac{3}{4}$ mile from the outlet of Swan Lake.

Chairman Doherty asked for public comment.

Eric Thuesen thanked the Commission for their consideration and expressed his support for the administrative rule.

Action on Motion: Motion carried.

9. Echo Lake No-Wake Zone Administrative Rule – Final. In December of 2007, the Commission denied four petitions relative to Echo Lake in their entirety, but accepted a portion of a fifth petition that would exempt the corridors of Blackies Bay and Causeway Bay and the upper three islands in the southwest corner of the lake from the current 200-foot no wake rule.

Jim Satterfield, FWP Region 1 Supervisor, stated that public participation was extensive. FWP received 49 original letters, 15 form letters, and 1 petition consisting of 63 signatures that expressed support for the proposed rule. Seventeen letters were in opposition of the proposed rule. Of the thirty-eight people who attended the public hearing held on March 5, ten spoke in opposition of the proposed rule, and nine supported it.

As a result of public comments and further staff discussion, FWP now recommends maintaining the current 200-foot no wake zone on Echo Lake and exempting only the three islands in the southwest corner. The Department does not recommend exempting the corridors into Blackies and Causeway Bay because staff feels that there would be significant safety risks as well as the potential for damage to adjacent property owners in those channels as a result of above wake speed travel. FWP does support exempting the upper three islands in the southwest corner to allow for an above wake speed travel corridor as they are unoccupied and have better visibility.

Lee Anderson, FWP Region 1 Warden Captain, stated that public comments were received on both sides of the issue. All were in agreement with exempting the three islands. FWP recommends not exempting the two bays. Blackies Bay is narrow, the water level fluctuates a lot, and it has a corner with poor visibility that must be navigated. There are no concerns about property damage. Only three accidents have been reported since 1989, and they were not associated with this issue.

George Smith, Flathead County Planning and Zoning Office, said he is tasked with lake and lakeshore protection. He is concerned about shoreline erosion, which has been pronounced in Blackie's Bay and on the peninsula south of the islands. There are concerns about the hazards of dropping skiers, driving through the channels, and then picking them up again in open waters, and the large wakes produced by watercraft. He feels high speed boating should be limited to the north and southeast portions of the lake, and that no-wake zones should not be waived or modified.

Anderson clarified that there is already a provision in the current no-wake zone that allows people to start and stop when leaving directly from their docks.

Action: Workman moved and Vermillion seconded the motion to limit Echo Lake to a controlled no wake speed, as defined in ARM 12.11.101(1), except for the upper three islands in the southwest corner approximately 1/4 mile southeast of the entrance of Blackies Bay (does not exempt Blackies Bay or Causeway Bay).

Doherty asked for public comment.

Cameron McLennan said that the three accidents on the lake were not in the areas of the lake being discussed. Boat wakes have not impacted the shoreline. He asks that the Commission proceed as originally recommended since there have been no accidents or property damage, and therefore not a safety concern.

Rick Tams has property in the Causeway Bay and he likes to watch the activity on the lake. He has not seen any close accidents or property damage. Boat drivers are tasked with driving their boats in a safe manner, and they have spotters to watch skiers. Safety hazards are created when boats have to stop with skiers, drive through the bays, and then start over. He liked it the way it was. He has never seen two boats go through the bay at the same time -- they turn off to allow one to go through at a time.

Scott Hollinger said the idea of starting and stopping skiing along shoreline is not practical. He fears the lake will become known as one that is unfriendly to boaters. Powering up creates the most wakes that cause the erosion to the shoreline. If one boat tries to turn when going one way, and another is going the other, it can be a serious problem – if they can go through openings, it is safer. The safety record has been great. These rules put people in dangerous positions.

Sherman Valgardson said to open up the bays to boating. Property values will drop if the rule is passed as recommended now.

Steve Dixey said the utmost priority is children's safety. Starting them from a dock and then through the narrow area is a safe procedure. Otherwise their lives are risked.

Jake VanJeters said it is a mistake to close bays off. It is not a safety hazard to go through the narrows. If you start teaching someone to ski in the middle of lake, it is dangerous. Keep the rules as originally proposed.

Randy Leavitt said nobody at any of the public meetings expressed opposition to skiing through the narrows. People now go around and around the bay, so his shoreline now gets hit twice as much. In the past, everyone was careful and watched out for each other.

Greg Strong has lived on the lake for twenty years and said he supports the new resolution.

Mike Thompson said he has skied on the lake for thirty years, and he has witnessed boats wait for each other several times when going into Blackies Bay or the Causeway Bay. Safety is the responsibility of the boat drivers.

Julie Fairbanks said she has lived in Blackies Bay for seventeen years. Erosion is from high water years and not by boats. Erosion is more damaging if people are kept in one small area. If you cut out all the bays, water is taken away from use. Blackies Bay is very rocky. She has never seen boats cross. People turn away when they see another boat coming. This last year has been the first year they felt any danger.

Bill Tanner said he and his siblings own homes in different areas on the lake. The problem that exists is due to high water. They are all in favor of the 200-foot wake rule. The lake is dependent on run-off waters – it is not a controlled lake. They appreciate the fact that people can gain access at Blackies Bay and at Causeway Bay.

Suzanne Taylor said the rule that is already in place for western Montana lakes is a blanket rule, and is not lake-specific. She asked the Commission to change the rule specific to this lake for historical use of the lake.

Colton said the Commission needs to give deference to folks who live on the lake and use it safely. Go back to original rule. Let people pull skiers in and out of the bays. Err on the side of caution.

Satterfield said the overall no-wake regulation was passed in 2000. The rule was not enforced until he began working in Region 1 and received complaints from the public that it was not being enforced.

Doherty stated that the lake is a public resource, and the use of public resources is what the Commission is charged with taking care of. There are good reasons for the 200-foot no-wake rules. He hopes successful boating continues as not everyone is tuned into the area, or are as cautious. Not everyone lives there and knows the practices of the local boaters.

Action on Motion: Motion failed.

Action: Vermillion moved and Colton seconded the motion to exempt Blackies and Causeway Bays and the upper three islands in the southwest corner of Echo Lake from the 200-foot no-wake rule.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

10. 2008 Mountain Lion Permit and Harvest Quotas – Tentative. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, presented the proposals.

Region 1 – Mountain Lions

HD 100 – increase limited licenses from 20 to 25 (40% female subquota = 10)

HD 104 – increase limited licenses from 10 to 12 (40% female subquota = 3)

HD 109 – increase limited licenses from 4 to 6 (40% female subquota = 2)

Action: Workman moved and Colton seconded the motion to approve the Region 1 Tentative 2008 Mountain Lion quotas as proposed by the Department. Motion carried.

Region 2 – Mountain Lions (Region 2 moved from quota to a license system)

HD 200/201 – increase 7 quota to 9 either sex limited licenses (40% female subquota = 3)

HD 202/203 – increase 12 quota to 14 either sex limited licenses (40% female subquota = 5)

HD 204/260/261 – increase 3 quota to 4 either sex limited licenses (40% female subquota = 1)

HD 210 – convert 2 quota to 2 legal male lion limited licenses

HD 211/216 - convert 2 quota to 2 legal male lion limited licenses

HD 212/215 - convert 2 quota to 2 legal male lion limited licenses

HD 213/214 - convert 1 quota to 1 legal male lion limited license

HD 240 – increase 3 quota to 4 either sex limited licenses (40% female subquota = 1)

HD 250 – increase 4 quota to 5 either sex limited licenses (female subquota = 1)

HD 270 – increase 3 quota to 4 either sex limited licenses (40% female subquota = 1)

HD 280/281/284/293 – increase 4 quota to 5 either sex limited licenses (female subquota =1)

HD 283/285 – increase 3 quota to 4 either sex limited licenses (40% female subquota =1)

HD 290/291/292/298 – increase 4 quota to 5 either sex limited licenses (female subquota =1)

Action: Workman moved and Colton seconded the motion to approve the Region 2 Tentative 2008 Mountain Lion quotas as proposed by the Department.

Chairman Doherty asked for public comment.

Rod Bullis said the Bitterroot Houndsmen suggests 13 tomcats and no females for the Bitterroot, and 1 female subquota in each of the Blackfoot hunting districts.

Action on Motion: Motion carried.

Region 4 – Mountain Lions

HD 404/421/444/450 – reduce female quota from 7 to 3 and male quota from 4 to 3

HD 413/432 – reduce female quota from 4 to 3

HD 418/420/448 – reduce female quota from 4 to 3 and male quota from 4 to 3

HD 422/423/424/425/442 – reduce male quota from 10 to 7

Action: Doherty moved and Vermillion seconded the motion to approve the Region 4 Tentative 2008 Mountain Lion quotas as proposed by the Department.

Chairman Doherty asked for public comment.

Sanford Shrout said he has received calls from other houndsmen who are not happy about female quotas. That creates serious pressure. He said they do not understand why it is that in order to close the area, they are forced to kill a female lion. That will hurt the lion population.

Action on Motion: Motion carried. Three in favor – two opposed. (Doherty and Colton opposed).

Action: Colton moved and Workman seconded the motion to approve the remainder of the Tentative 2008 Mountain Lion quotas as proposed by the Department (no changes to last year's quotas).

Chairman Doherty asked for public comment

Lamont Schnurr said he wants increased lion harvest quotas in Broadwater County.

Scott Cargill said no changes are necessary.

Action on Motion: Motion carried.

11. 2009 Moose, Sheep, Goat, Mule Deer & Elk License Auction/Lottery Rules–Tentative.

Quentin Kujala, FWP Wildlife Division Management Bureau Chief, stated that there are no changes to last year's annual rules.

Action: Colton moved and Workman seconded the motion to approve the tentative 2009 auction/lottery rules for the moose, sheep, goat, mule deer and elk licenses as proposed by the Department. Motion carried.

12. 2008 Grazing & Sharecrop Leases on Wildlife Management Areas – Final. Ken McDonald, FWP Wildlife Division Administrator, presented the lease proposals. The leases are to enhance and protect soil and vegetation, improve forage conditions on the wildlife management areas for wintering wildlife, and to create a more mutually beneficial partnership with area ranchers.

Aunt Molly WMA Grazing Lease

Action: Colton moved and Vermillion seconded the motion to support the Department's recommendation to enter into an exchange of use grazing lease agreement with the Blackfoot River Ranch. Motion carried.

Wall Creek WMA Grazing Lease

Action: Vermillion moved and Colton seconded the motion to approve the grazing lease for 2008 through 2012 on the Wall Creek Wildlife Management Area. Motion carried.

Haymaker WMA Grazing Lease

Action: Colton moved and Workman seconded the motion to approve the grazing lease for 2008 and 2009 on the Haymaker Game Range. Motion carried.

Blackfoot-Clearwater WMA Grazing Lease

Action: Vermillion moved and Doll seconded the motion to approve the grazing lease with the Two Creek Ranch and Montana Forest and Conservation Experiment Station for the Blackfoot-Clearwater Wildlife Management Area. Motion carried

Beartooth WMA / Voegele's Inc Grazing Lease

Action: Doherty moved and Colton seconded the motion to approve renewal of the three year livestock grazing lease with Voegele's Inc. on the Beartooth WMA. Motion carried

Isaac Homestead WMA Agricultural Lease

Action: Colton moved and Workman seconded the motion to approve the renewal of the 5 year Isaac Homestead WMA sharecropper lease with Jon Redland. Motion carried.

13. Habitat Projects – Endorsements

Circle R River Ranch Acquisition

From cover sheet. The Circle R River Ranch encompasses 4,028 deeded acres surrounding 621 acres of state school trust land and 69 acres of BLM land 30 miles east of Billings along the north bank of the Yellowstone River. The property has five miles of river frontage on the south, and borders an additional 640 acres of school trust land and 3,200 acres of BLM land that currently are inaccessible to the public.

The land includes three primary habitat types. The riparian river bottom has extensive cottonwood stands. Several islands, old river channels and sloughs create ideal waterfowl roosting areas. About 90 acres of river bottom farm fields are irrigated with two new center-pivot sprinkler systems fed by water pumped from the river. Water rights are adequate to irrigate the fields through the entire growing season. Sagebrush-grassland habitat that has been managed with low-intensity grazing makes up much of the property. Ponderosa pine savannah habitat is scattered along several rough canyons that occur on the property. Springs and a solar-powered well provide livestock and wildlife water to the upper reaches of the property.

Breaks, with interspersed benchlands and savannahs, create rugged canyons that are ideal escape terrain for at least 100 mule deer. About 50 antelope, an occasional elk, sage grouse, sharp-tailed grouse and Hungarian partridges frequent the grasslands. A large black-tailed prairie dog colony is within the boundaries. As many as 300 other terrestrial vertebrate species - both game and non-game - are found within the grasslands. Rocky outcrops provide unique habitat for many species of bats, birds and reptiles. The riparian bottom is home to year-around and seasonal species ranging from waterfowl to at least 200 white-tailed deer, 100 turkeys and many pheasants.

Action: Colton moved and Vermillion seconded the motion to authorize the Department to pursue potential land acquisition of the Circle R River Ranch east of billings for wildlife and habitat management and public recreation access. Motion carried

Granger Ranch Wetland Easement

From cover sheet: FWP administered an In Lieu Fee wetland mitigation program from March 2004-December 2006. Over that period of time, FWP collected fees from 12 Section 404 permit applications. FWP is obligated to the U.S. Army Corps of Engineers to use those funds for mitigating those wetland impacts and for follow-up protection and monitoring. FWP is specifically responsible for establishing 16.6 acres of new wetland habitat and overlaying a protective easement on those wetland and adjacent upland acres. The department has been working with a number of partners to restore ditched wetland habitat in the upper reaches of the O'Dell Creek drainage south of Ennis in Madison county. A mitigation project has been negotiated with the Granger Ranch for completion this spring. A protective easement held by FWP is required for completely fulfilling FWP's obligations. The easement is anticipated to encompass approximately 200 acres.

Action: Vermillion moved and Colton seconded the motion to endorse the Granger Ranch wetland easement proposal and proceed with a MEPA analysis. Motion carried.

Neal Ranch Acquisition - Sun River WMA

From cover sheet: This is an acquisition proposal through use of the FWP Habitat Montana Program. Other partners, such as the Conservation Fund, are interested in making this a cooperative effort. FWP is taking the initial lead due to its importance related to an extension to the Sun River WMA. FWP seeks the commission's endorsement to initiate negotiations with Lloyd and Danielle Neal toward acquisition of the 5,563-acre Neal Ranch, located about seven miles west of Augusta. The property is a working ranch for cattle with most acreage used as seasonal grazing pasture and some acreage used for hay ground. Much of the western portion of ranch is used during winter and early spring by wintering elk.

The proposal offers: 1) the opportunity to expand the Sun River WMA and conserve elk winter range habitat; 2) the opportunity to conserve a large tract of intermountain grassland and prairie habitat located on the Rocky Mountain Front; 3) about 5,500 acres of accessible public land on the Rocky Mountain Front with 1.5 miles of common border with the Sun River WMA and other ther public lands; 4) prominent wildlife species like elk, mule deer, white-tailed deer, antelope, grizzly bear, sharp-tailed grouse, hungarian partridge, gray wolf, long-billed curlew, ferruginous hawk, burrowing owl and trumpeter swan; 5) an historic family legacy (Bruce Neal - previous Sun River Game Range manager and landowner) in the Sun River area would like to see the property become part of the Sun River WMA in order to enhance and expand wildlife habitat.

Action: Doherty moved and Vermillion seconded the motion to approve initiation of negotiations with the Neal Ranch towards acquisition of the property as an addition to the Sun River WMA. Motion carried.

Dugas Farms Conservation Easement

From cover sheet: Dugas Farms is located 2.5 miles downstream of Ulm (south) in Cascade County. The property consists of 800 acres in two parcels, (220 acres of native riparian habitat and 580 acres dryland cropland) along the Missouri River. The property contains four miles of Missouri River frontage. The property is managed as a working dryland farm ground, while maintaining and/or enhancing wildlife habitats throughout. Habitats are very good for pheasant, white-tailed deer, Merriam's turkey, waterfowl and numerous species of non-game wildlife. The Missouri River drainage has some of the best winter cover for upland game birds and white-tailed deer in the area. The property adjoins the 50-acre Dunes Fishing Access Site. The primary goal of Dugas Farms is to maintain the property as a working farm, preserve open space, wildlife habitat and hunting opportunities. Numerous entities may be involved in partnering with FWP on funding the conservation easement, such as the NRCS - FRPP (Farm and Ranch Protection Program), PPL Montana (Pennsylvania Power and Light), NWTF (National Wild Turkey Federation), PF (Pheasants Forever), MFWCT (Montana Fish and Wildlife Conservation Trust).

Action: Doherty moved and Colton seconded the motion to approve negotiations with the landowner for acquisition of the conservation easement. Motion carried.

Riverdale Ranch Conservation Easement

From cover sheet: The Riverdale Ranch is located 5 miles upstream of Ulm (south) and 8 miles downstream (north) of Cascade in Cascade County. The property consists of 850 contiguous acres (240 acres of riparian habitat, 410 acres dryland cropland and 200 acres of native rangeland/shrub grassland) along the Missouri River. The property contains five miles of Missouri River frontage. The property is managed as a working ranch for cattle and farm ground, while maintaining and/or enhancing wildlife habitats throughout. Habitats are very good for pheasant, white-tailed deer, Merriam's turkey, waterfowl, Hungarian partridge, and numerous species of non-game wildlife. The Missouri River drainage has some of the best winter cover for upland game birds and white-tailed deer in the area. The primary goals of Voegelé's Inc. are to pass the ranch onto future generations, to maintain the property as a working ranch and farm, preserve open space, wildlife habitat and hunting opportunities. Numerous entities may be involved in partnering with FWP on funding the conservation easement, such as the NRCS - FRPP (Farm and Ranch Protection Program), PPL Montana (Pennsylvania Power and Light), NWTF (National Wild Turkey Federation), PF (Pheasants Forever), MFWCT (Montana Fish and Wildlife Conservation Trust).

Action: Doherty moved and Colton seconded the motion to authorize the Department to proceed with landowner negotiations for the conservation easement acquisition. Motion carried.

North Cree Crossing Ranch Fee Title Purchase

From cover sheet: The Montana Glaciated Plains Milk River Conservation and Restoration State Wildlife Grant (SWG) was approved December 15, 2006. The number one objective of this grant is to "Place 10,000 acres within the Milk River Riparian Zone under conservation easements or other appropriate strategies to conserve fish and wildlife communities including game and nongame species groups." This effort along the Milk River is called The Milk River Initiative (MRI) and meshes perfectly with the riparian habitat objectives of the Habitat Montana Program. Acquisition of the North Cree Crossing Ranch will further address the MRI objective.

The 400-acre North Cree Crossing Ranch is located 22 miles NE of Malta and one mile north of Nelson Reservoir. The property is managed as a working farm with some cattle grazing. It includes 245 acres of timbered riparian habitat along 2 miles of the Milk River, 153 acres of dry and irrigated cropland, and a 10-acre dammed oxbow. Woody vegetation includes cottonwood, green ash, snowberry, silver sagebrush, rose, chokecherry, buffalo berry and willow. The riparian habitat and Milk River make the ranch important to white-tailed deer & mule deer, pheasants, sharp-tailed grouse, waterfowl, fish, two Threatened/Endangered Species, six Montana State Species of Concern, and many nongame species. Opportunities exist to stock turkeys and establish a fishing access site.

Acquisition of this ranch will benefit Montana's Comprehensive Fish and Wildlife Strategy by maintaining and improving wildlife habitat within the Shrub Grassland Focus Area for a wide variety of wildlife species. The ranch will be managed as part of the existing Milk River Wildlife Management Area (WMA) located one mile east. FWP is currently negotiating with the Bureau of Reclamation (BOR) to manage 2,492 acres of BOR lands located between the WMA and this property, and adjacent to Nelson Reservoir. The acquisition would also tie in with the proposed acquisition of the South Cree Crossing Ranch across the Milk River.

Action: Vermillion moved and Workman seconded the motion to approve the fee title purchase of the North Cree Crossing Ranch. Motion carried.

South Cree Crossing Ranch Fee Title Purchase

From cover sheet: The Montana Glaciated Plains Milk River Conservation and Restoration State Wildlife Grant (SWG) was approved December 15, 2006. The number one objective of this grant is to "Place 10,000 acres within the Milk River Riparian Zone under conservation easements or other appropriate strategies to conserve fish and wildlife communities including game and nongame species groups." This effort along the Milk River is called The Milk River Initiative (MRI) and meshes perfectly with the riparian habitat objectives of the Habitat Montana Program. Acquisition of the South Cree Crossing Ranch will further address the MRI objective.

The 171-acre South Cree Crossing Ranch is located 22 miles NE of Malta and one mile north of Nelson Reservoir. The property is managed as a working farm with light cattle grazing. It includes 55 acres of timbered riparian habitat along 1 mile of the Milk River, and 114 acres of dry and irrigated cropland. Woody vegetation includes cottonwood, green ash, snowberry, silver sagebrush, rose, chokecherry, buffalo berry and willow. The riparian habitat and Milk River make the ranch important to white-tailed deer & mule deer, pheasants, sharp-tailed grouse, waterfowl, fish, two Threatened/Endangered Species, six Montana State Species of Concern, and many nongame species. Opportunities exist to stock turkeys and establish a fishing access site.

Acquisition of this ranch will benefit Montana's Comprehensive Fish and Wildlife Strategy by maintaining and improving wildlife habitat within the Shrub Grassland Focus Area for a wide variety of wildlife species. The ranch will be managed as part of the existing Milk River Wildlife Management Area (WMA) located one mile east. FWP is currently negotiating with the Bureau of Reclamation (BOR) to manage 2,492 acres of BOR lands along the Milk River, between the WMA, this property, and Nelson Reservoir. By acquiring both the North and South Cree Crossing Ranches FWP would own both sides of 1 mile of the Milk River.

Action: Colton moved and Vermillion seconded the motion to approve the fee title purchase of the South Cree Crossing Ranch. Motion carried

Christensen Ranch Conservation Easement

From cover sheet: The Montana Glaciated Plains Milk River Conservation and Restoration State Wildlife Grant (SWG) was approved December 15, 2006. The number one objective of this grant is to "Place 10,000 acres within the Milk River Riparian Zone under conservation easements or other appropriate strategies to conserve fish and wildlife communities including game and nongame species groups." This effort along the Milk River is called The Milk River Initiative (MRI) and meshes perfectly with the riparian habitat objectives of the Habitat Montana Program. A conservation easement (CE) on the Christensen Ranch will add to the MRI objective.

The 2,334-acre Christensen Ranch is comprised of 5 land units located within a 5-mile radius of Hinsdale, MT. Two of the land units border the Bernie Hart CE the recent DNRC Capdeville Farm acquisition. Another unit borders a portion of the Hinsdale Wildlife Management Area. The ranch is managed as a working cattle ranch. 778 acres lie adjacent to the Milk River (2 miles) and Beaver Creek (3 miles), and includes 364 acres of timber & shrub grassland riparian habitats, 22 acres of oxbow wetlands, and 390 acres of dry & irrigated farmland. The

upland unit includes 1,942 acres of big sagebrush grasslands and provides access to 2,560 acres of BLM land. The mix of shrub grasslands & riparian habitats, alfalfa & grain fields, and the Milk River & Beaver Creek makes the ranch important to white-tailed & mule deer, antelope, pheasants, sage & sharp-tailed grouse, waterfowl, turkeys, fish, two T & E Species, 12 Montana State Species of Concern, and many nongame species. Four sage grouse leks occur within 2 miles of the uplands.

A CE acquisition will benefit Montana's Comprehensive Fish and Wildlife Strategy by maintaining & improving wildlife habitat within the Shrub Grassland Focus Area. Additional habitat enhancements will be implemented to expand riparian zones and improve uplands.

Action: Colton moved and Workman seconded the motion to approve the Department's recommendation to purchase a conservation easement on the Christensen Ranch. Motion carried. Four in favor – one opposed. (Doll opposed).

Burkhartsmayer Ranch Conservation Easement

From cover sheet: The Burkhartsmayer Ranch includes a total of 8,240 contiguous acres (6,900 deeded and 1,240 DNRC). 7,800 acres (95 %) is native short grass and silver sagebrush grasslands, with denser stands of silver sagebrush along drainages. Seven miles of Box Elder Creek bisect the property, and include riparian vegetation made up of patches and stringers of snowberry & rose, and thickets of buffalo berry, chokecherry & hawthorn. Cottonwoods, green ash and willows occur in the lower reaches of drainages. A large reservoir and numerous springs occur in Box Elder Creek. The ranch is currently managed as a livestock operation with 400 acres of alfalfa, native and tame hay. The mix of shrub grasslands and riparian habitats in drainages makes the ranch important to white-tailed & mule deer, antelope, sharp-tailed grouse, pheasants, possibly sage grouse, waterfowl, two T & E Species, 12 Montana State Species of Concern, and many nongame species.

A conservation easement (CE) acquisition will benefit Montana's Comprehensive Fish and Wildlife Strategy by maintaining & improving wildlife habitat within the Shrub Grassland Focus Area. Management options include rest-rotation grazing to improve uplands, creation of a 40-acre marsh and repair of washed out dikes on 3 existing reservoirs that are about 2 to 5 acres in size. The current landowner permits access for public hunting through the block management program. The trend in Blaine County is toward more intensive agricultural production and grazing to maximize income. Grassland & shrub grassland habitats in Blaine County have been reduced by 50 % through converted to small grain production. Recently, out-of-state buyers have started buying ranches in Blaine County for recreational purposes. When this occurs the opportunities for habitat enhancement and public access are usually eliminated.

Action: Vermillion moved and Colton seconded the motion to approve the Department's recommendation to purchase a conservation easement on the Burkhartsmayer Ranch. Motion carried. Four in favor – one opposed. (Doll opposed).

Jamison Habitat Acquisition

From cover sheet: The Jamison Project comprises about 295 acres adjacent to the Beaverhead-Deerlodge National Forest, northwest of Anaconda, in Deer Lodge County. The land supports intermountain grassland and riparian/aspen habitats identified by the Habitat Montana Program. The project area is within the Deer Lodge Valley Tier One Focus Area, as identified by the Montana Comprehensive Fish and Wildlife Conservation Strategy. Species of Greatest Conservation Need that may benefit include Western Toad and Olive-sided Flycatcher. The land is three-season habitat for bighorn sheep, mule deer, and elk. This fee-title acquisition would preserve landscape connectivity and integrity along Stucky Ridge, and would enhance the effect of the nearby Blue-eyed Nellie, Lost Creek, and Garrity Mountain Wildlife Management Areas.

In the absence of this project, this land is imminently threatened with subdivision and development. FWP first became aware of this threat when the landowner applied to Deer Lodge County for approval to subdivide. With the collaboration of the American Land Conservancy and Five Valleys Land Trust, landowner interest in selling to FWP has been expressed. A partnership involving funding from FWP's Bighorn Sheep Auction, Natural Resource Damage Program, and the Foundation for North American Wild Sheep is anticipated.

Action: Workman moved and Colton seconded the motion to endorse the Department's recommendation to develop a detailed proposal and obtain public input toward the purchase of 295 acres of the Jamison property. Motion carried

Vanisko Ranch Conservation Easement

From cover sheet: The Vanisko Ranch Conservation Easement would comprise about 7,140 acres bordering the Beaverhead-Deerlodge National Forest, southeast of Deer Lodge, in Powell County. The land supports intermountain grassland and riparian/wetland habitats identified by the Habitat Montana Program. The project area is within the Deer Lodge Valley Tier One Focus Area, as identified by the Montana Comprehensive Fish and Wildlife Conservation Strategy. Species of Greatest Conservation Need that may benefit include Western Toad, Northern Leopard Frog, Westslope Cutthroat Trout, Olive-sided Flycatcher, Black Tern, Long-billed Curlew, Flammulated Owl, Bald Eagle, Black-backed Woodpecker, Gray Wolf, and Grizzly Bear. The land is four-season habitat for antelope, moose, mule deer, white-tailed deer, and elk.

The owners of the Vanisko Ranch are weighing offers from all comers; thus, the habitat is imminently threatened. Among those interested in and capable of purchasing the Vanisko Ranch is the new owner of Rock Creek Cattle Company, who recently developed a golf course and residences along the riparian areas of that neighboring property. FWP proposes to purchase a conservation easement on the Vanisko Ranch, at or below appraised value, with funding (if granted) from the Natural Resource Damage Program. Terms of the conservation easement generally would follow Habitat Montana, including public access; however, the landowner has expressed a lack of interest in grazing terms. The Vanisko Ranch has been in the Block Management Program since at least 1996.

This proposal also includes the possibility of FWP purchasing two Vanisko inholdings within the Beaverhead-Deerlodge National Forest (63 acres on Orofino and 137 on Racetrack Creek) for potential trade to the Forest Service in exchange for lands adjacent to Lost Creek Wildlife Management Area.

Action: Vermillion moved and Colton seconded the motion to endorse the Department's recommendation to develop a detailed proposal and obtain public input toward the purchase of a conservation easement on the Vanisko Ranch. Motion carried.

Nevada Lake Habitat Acquisition

From cover sheet: The Nevada Lake Project comprises 880 acres adjacent to the 740-acre Nevada Lake Wildlife Management Area, in Powell County. The land supports montane forest, intermountain grassland, and riparian/wetland habitats identified by the Habitat Montana Program. The land is crucial elk and deer winter range, and a movement corridor for bears, lynx, and wolverine. This acquisition would more than double the acreage in the Wildlife Management Area, benefiting wildlife and recreation.

Until recently, these lands were owned by Plum Creek Real Estate Investment Trust and threatened with conversion from timberland and wildlife habitat to residential and commercial uses. The Nature Conservancy recently purchased this land from Plum Creek as part of a larger effort by landowners and agencies involved with the Blackfoot Challenge. The Nature Conservancy has committed to selling the land to FWP at a substantial discount. FWP proposes to purchase fee title to parcels in Sections 1, 3, and 11. Lands in sections 1 and 11 (760

acres directly adjacent to FWP lands) would be immediately incorporated into the existing Wildlife Management Area. The remaining 120 acres in section 3 (that do not share a boundary with FWP lands) would then be exchanged with a neighboring ranch for land adjacent to Nevada Cr. WMA. Since the funding is Forest Legacy dollars, this proposed change in the original project proposal sent to the Forest Service depends on approval by the U.S. Forest Service.

Action: Vermillion moved and Workman seconded the motion to endorse the Department's recommendation to develop a detailed proposal and obtain public input toward the purchase of 880 acres adjacent to the Nevada lake WMA. Motion carried

Little Doney Lake Habitat Acquisition

From cover sheet: The Little Doney Lake Project comprises 2,383 acres adjacent to the Blackfoot Clearwater Wildlife Management Area, in Powell County. The land supports montane forest, intermountain grassland, and riparian/wetland habitats identified by the Habitat Montana Program. Small lakes and aspen galleries add habitat quality. The land is crucial elk and deer winter range, loon and trumpeter swan nesting habitat, grizzly bear habitat, lynx critical habitat, and will contribute to bull trout and westslope cutthroat conservation and recovery. Since 1990, the land has been part of the Ovando Mountain Block Management Area—the most heavily used Block Management Area in Region 2.

Until recently, these lands were owned by Plum Creek Real Estate Investment Trust and threatened with conversion from timberland and wildlife habitat to residential and commercial uses. The Nature Conservancy recently purchased this land from Plum Creek as part of a larger effort by landowners and agencies involved with the Blackfoot Challenge. The Nature Conservancy has committed to selling the land to FWP at a substantial discount. Subject lands are in two parcels: S17 & S18 (1,280 ac.) lie directly adjacent to the BCWMA, while the Little Doney Lake parcel (1,103 acres) is connected by way of private property encumbered with a conservation easement held by the Montana Land Reliance.

S17 & S18 are encumbered by a conservation easement with the U.S. Fish and Wildlife Service. The Little Doney parcel is unencumbered. Under this proposal, FWP would purchase the fee remainder on S17 & S18, and the entire fee value on the Little Doney parcel (Option 1) or fee on S17&S18 plus an easement on Little Doney (Option 2). FWP could place a conservation easement on the Little Doney parcel and exchange fee-title over the entire project area to DNRC (with Option 1). This exchange would allow FWP to acquire DNRC inholdings within the Sun River Wildlife Management Area. The end result of this project would be the perpetual conservation of 2,383 acres in Powell County, as well as the transfer of DNRC inholdings within the Sun River Wildlife Management Area to FWP ownership. Several public and private partners have committed \$1.45 million to help purchase an FWP conservation easement on the Little Doney Lake parcel.

Action: Vermillion moved and Workman seconded the motion to endorse the Department's recommendation to develop a detailed proposal and obtain public input toward the purchase of 2,383 acres adjacent to the Blackfoot Clearwater WMA.. Motion carried.

14. White-tailed Prairie Dog Translocation – Informational. Allison Puchniak, FWP Region 5 Wildlife Biologist, explained that the White Tailed Prairie Dog is suffering a dramatic decline in population. Currently there are only 10 colonies that are so widely dispersed that population growth is of concern. They are a Species of Concern in Montana, a Species of Greatest Conservation Need in the Comprehensive Fish & Wildlife Conservation Strategy, and they have been petitioned for listing under the Endangered Species Act.

Translocation of prairie dogs from Wyoming was approved by the FWP Commission in 2004, with the objective being to maintain a viable population of white-tailed prairie dogs in Montana. The proposal was to translocate white-tailed prairie dogs over a 5-year period between 2006 and 2010 to augment or re-establish colonies on 250-acres of BLM lands in Carbon County. An Environmental Assessment was completed in June of 2006. Landowners within six miles of each of the five potential prairie dog receiving sites were notified. Wyoming will be meeting next week to approve this project.

15. Livestock Loss Reduction and Mitigation Board Nomination Recommendations to Governor – Final. The Montana Legislature created the Livestock Loss Reduction and Mitigation Board with the passage of HB 364 in 2007. The board oversees a program to provide cost-share grants to livestock producers to reduce the risk of losses of livestock to wolf predation and to reimburse producers at fair-market value for livestock lost to wolves. The board consists of seven members appointed by the Governor; three members are appointed from a list of names submitted by the FWP Commission. Of the five names submitted last year, one resigned, one became disinterested, and one was not a Montana resident, therefore the Governor now requests submittal of a new pool of names.

FWP solicited names of interested parties to serve on the Board. Fifteen nominations were received. After careful consideration, FWP recommends Jim Cross, Greg Neudecker, and Tim Tew. Cross is a former Wildlife Manager and was one of the original members of Governor Racicot's Wolf Advisory Council. Neudecker, USWS Partners with Wildlife Program Coordinator, chairs the Blackfoot Challenge Wildlife Committee where he works with ranchers on a daily basis on similar issues on a smaller scale. Tew, a ranch manager from Augusta, has considerable experience with depredation issues and wolf conflicts, works closely with neighboring ranchers, and has worked with state and federal agencies as well as with the Defenders of Wildlife.

Vermillion recommended Mike Leahy as a nominee to the Board. Leahy is the Director of the Rocky Mountain Regional Office of the Defenders of Wildlife. He has experience in depredation resolution and compensation, and a significant background in natural resource and wildlife conservation. Defenders has provided funds for compensation to ranchers for livestock losses.

Action: Colton moved and Vermillion seconded the motion to submit nominations to the Governor for the following four individuals for appointment to the Livestock Loss Reduction and Mitigation Board: Jim Cross, Greg Neudecker, Tim Tew, and Mike Leahy. Motion carried.

16. Extend Time for City of Helena to Remove Urban Deer – Final. This is a request for an amendment to the November 2007 Commission decision to approve a pilot project for removal of 50 deer in Helena between December 15, 2007 and May 1, 2008. During the preparation of the environmental assessment, city officials and FWP staff reassessed the best season to implement the City's plan. The discussions identified the value of including the fall season so that aggressive bucks could be better targeted. The EA is in its late stages and will be available to the public for comment in a few weeks. The request today is to change the dates for killing 50 deer within the Helena city limits to August 15, 2008 through March 31, 2009.

Action: Vermillion moved and Colton seconded the motion to amend the City's deer removal period from August 15, 2008 to March 31, 2009 for implementation of the Helena Deer Management Plan.

Doll asked if the City of Helena is exploring any other means of dealing with the situation. He said he learned at the WAFWA meeting in San Diego in January that USDA-APHIS has a program that performs this type of service in other states so why not utilize them here. They have a program already in place, and they are experts in dealing with urban deer. Expenses are negotiated between the cities and APHIS.

Kujala replied that FWP is tied to the City of Helena through the statute. The culling will be done by city staff, but FWP will provide the expertise. The statute may not allow other sources to become involved.

Kraig Glazier, USDA-APHIS Wildlife Services, said APHIS has not dealt with urban deer issues in Montana, but they have in some eastern states. They were not approached by the City of Helena for assistance, but if they were, they could become involved, although they deal primarily with livestock depredations. This service is not provided free of charge.

Vermillion said that part of the reason APHIS was not contacted for assistance was because the legislature directed FWP and the City of Helena to work together.

Colton emphasized that no sportsmen's dollars are to be utilized to address Helena's urban deer problem, not even to reimburse APHIS.

Action on Motion: Motion carried. Four in favor – one opposed. (Workman opposed).

17. Wolf Management Update and Endorsement of Depredation Guidelines. Wolves were federally delisted as of March 28, 2008, and are now under state management, therefore Montana must develop guidelines to address wolf livestock depredation issues. The recommendations proposed today are interim guidelines, specific to lethal control, until final guidelines are developed. These guidelines are similar to the 10j federal guidelines that were in place when the wolves were listed. Conflicts will be addressed on a case-by-case basis. Additionally, the authority of private citizens to protect their livestock and domestic dogs will continue to apply unless there is a federal court injunction.

Action: Colton moved and Doll seconded the motion to approve the implementation of interim depredation guidelines by Fish, Wildlife & Parks. Motion carried.

18. Open Microphone – Public Opportunity to Address Additional FWP Issues. No comments.

Hagener noted that Commissioner Vermillion is on the "Elk Outside the Breaks" Committee.

Action: Colton moved and Workman seconded the motion to adjourn the meeting. Motion carried.

Meeting adjourned at 11:30 a.m.

Steve Doherty, Chairman

M. Jeff Hagener, Director